

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

A&G HEALTHCARE SERVICES, L.L.C.

§

V.

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BENEFIT SYSTEMS & SERVICES, INC.

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CASE NO. 4:05CV399
(Judge Schneider /Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On November 14, 2005, the Magistrate Judge entered his Report containing his proposed findings of fact and recommendation that Defendant's Motion to Dismiss and Compel Arbitration be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion to Dismiss and Compel Arbitration is **GRANTED**; the above titled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**; and the parties are directed to proceed to arbitration. All parties are further directed to bear their own costs incurred herein.

SIGNED this 9th day of December, 2005.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE